

Application Serial No.: 09/455,534

Attorney Docket No. 067220-0313100

In Response to Office Action mailed March 24, 2005

REMARKS

In response to the Office Action mailed March 24, 2005 (hereinafter "Office Action"), claims 1, 9, 10, and 18 have been amended. No claims have been cancelled or newly added. Therefore, claims 1-18 and 23 remain pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

INFORMATION DISCLOSURE STATEMENT (I.D.S.)

Applicants are submitting herewith a Supplemental Information Disclosure Statement and respectfully request that the Examiner consider the cited references and provide a signed copy of the Form PTO-1449 for this submission with the next Office Action.

ALLOWABLE SUBJECT MATTER

In the Office Action, at pg. 2, ¶'s 1-2, the Examiner indicates that claim 23 is allowed and provides reasons for allowance. Applicants thank the Examiner for the indication of allowable subject matter.

While Applicants do not necessarily disagree with the Reasons for Allowance set forth by the Examiner, Applicants note that other bases for patentability may exist and that this statement of reasons is not exhaustive and is not intended to limit the invention.

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REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 2, 4-6, 10, 11, and 13-15 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,445,694 to Swartz. *See* Office Action, pg. 4, ¶2. Applicants disagree with the rejections of claims 1, 2, 4-6, 10, 11, and 13-15 as set forth by the Examiner. However, solely in an effort to expedite prosecution, independent claims 1 and 10 have been amended to clarify various points of novelty over Swartz.

Independent claims 1 and 10 generally recite, *inter alia*, the features of generating markup documents personalized for subscribers of at least one voice service, wherein the markup documents include voice service output information derived from a data repository. The claims further generally recite that one or more of the markup documents are used for dynamically interacting with one or more subscribers of the at least one voice service, during either outbound or inbound voice-enabled communications, to enable the one or more subscribers to receive and respond to the voice service output information.

Swartz does not appear to disclose *at least* these features. Swartz discloses a telephone system which may be controlled using commands transmitted from a subscriber location over the Internet to a host computer which provides telephone services. *See* Swartz, *e.g.*, col. 1, lines 10-15. The Internet telephony system of Swartz enables a subscriber to utilize a web interface to populate a database with preference data that is used by a host services processor to handle incoming calls and establish outgoing telephone connections. *See* Swartz, *e.g.*, Abstract, and FIG. 1. Swartz appears to enable subscribers to use the web interface to, among other things: place outgoing calls; control call waiting, caller ID, and call

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tracing; store frequently called numbers in a phone book; and specify call forwarding, message routing, and paging service options.

Unlike Applicants' invention, as disclosed and claimed, Swartz does not disclose generating markup documents personalized for subscribers of at least one voice service, wherein the markup documents include voice service output information derived from a data repository, and dynamically interacting with one or more subscribers of the at least one voice service, during either outbound or inbound voice-enabled communications, to enable the one or more subscribers to receive and respond to the voice service output information presented from the one or more markup documents.

For *at least* the reason that Swartz fails to disclose each of the elements of independent claims 1 and 10, the rejection is improper and should be withdrawn. Dependent claims 2-9 and 11-19 are allowable because they depend from allowable independent claims, as well as for the further limitations they contain.

REJECTIONS UNDER 35 U.S.C. §103

A. Swartz in view of Brown, Ladd, and Rogers.

Claims 3 and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Swartz in view of U.S. Patent No. 6,587,822 to Brown *et al.* ("Brown"). See Office Action, pg. 5, ¶3. Claims 7, 8, 16, and 17 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Swartz in view of U.S. Patent No. 6,269,336 to Ladd *et al.* ("Ladd"). See Office Action, pg. 6, ¶4. Claims 9 and 18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Swartz in view of U.S. Patent No. 5,974,441 to Rogers *et al.* ("Rogers"). See Office Action, pg. 6, ¶5. Applicants traverse these rejections

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for *at least* the reason that the Examiner has failed to establish a *prima facie* case of obviousness.

1. Claims 3 and 12.

In the Office Action, at pgs. 5-6, ¶3, the Examiner recites that Swartz fails to teach a “parser.” The Examiner relies on Brown, however, for this teaching, alleging:

It would have been obvious to one skilled at the time the invention was made to modify Swartz to have the “parser” as taught by Brown et al such that the modified system of Swartz would be able to support the system users convenience of extracting markup documents by using a parser.

The Examiner’s recited motivation is legally improper for *at least* the reason that it states what the result of the combination of the references would be, but fails to demonstrate any teaching, suggestion, or motivation found in either Swartz or Brown themselves, or in the knowledge generally available to one of ordinary skill in the art, as to why it would have been obvious to modify Swartz to include the teachings of Brown. In other words, the Examiner *appears* merely to be stating that it would be obvious to modify Swartz to include the feature of having a parser (as allegedly taught by Brown), so that the users of Swartz’s system would have the convenience of extracting markup documents by using the parser. This is legally improper. For *at least* this reason, the Examiner has failed to set forth a *prima facie* case of obviousness under 35 U.S.C. §103(a). Accordingly, the rejection of claims 3 and 12 is improper and should be withdrawn.

2. Claims 7, 8, 16, and 17.

Claims 7 and 16 further recite the feature of “*wherein the markup documents comprise extensible markup language (XML) documents*” while claims 8 and 17 further recite the feature of “*wherein the markup documents comprise active voice pages.*” In the Office

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Action, at pg. 6, ¶4, the Examiner recites that Swartz fails to teach a "XML documents." The Examiner relies on Ladd, however, for this teaching, alleging:

It would have been obvious to one skilled at the time the invention was made to modify Swartz to have the "XML documents" as taught by Ladd et al such that the modified system of Swartz would be able to support the system users convenience of interactively interfacing with the host services computer by using XML documents.

The Examiner's recited motivation is legally improper for *at least* the reason that it states what the result of the combination of the references would be, but fails to demonstrate any teaching, suggestion, or motivation found in either Swartz or Ladd themselves, or in the knowledge generally available to one of ordinary skill in the art, as to why it would have been obvious to modify Swartz to include the teachings of Ladd. The Examiner *appears* merely to be stating that it would be obvious to modify Swartz to include the use of XML documents so that the users of Swartz's system would have the convenience of interactively interfacing with the host services computer using XML documents. This is legally improper. For *at least* this reason, the Examiner has failed to set forth a *prima facie* case of obviousness under 35 U.S.C. §103(a). Accordingly, the rejection of claims 7-8 and 16-17 is improper and should be withdrawn.

3. Claims 9 and 18.

Claims 9 and 18 further recite the feature of "*wherein the markup documents comprise information accessed from an on-line analytical processing (OLAP) system.*" In the Office Action, at pgs. 6-7, ¶5, the Examiner recites that Swartz fails to teach that the markup documents comprise information accessed by an OLAP system. The Examiner relies on Rogers, however, for this teaching, alleging:

It would have been obvious to one skilled at the time the invention was made to modify Swartz to have the "the markup documents comprise information

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accessed from an OLAP system" as taught by Rogers et al such that the modified system of Swartz would be able to support the system users convenience of accessing information from an OLAP.

Again, similar to the rejections discussed above, the Examiner *appears* merely to be stating that it would be obvious to modify Swartz to include the feature of accessing information from an OLAP system so that the users of Swartz's system would have the convenience of accessing information from an OLAP system. This is legally improper. The Examiner's recited motivation focuses on what the result of the combination of the references would be, but fails to demonstrate any teaching, suggestion, or motivation found in either Swartz or Ladd themselves, or in the knowledge generally available to one of ordinary skill in the art, as to why it would have been obvious to modify Swartz to include the teachings of Rogers. For *at least* this reason, the Examiner has failed to set forth a *prima facie* case of obviousness under 35 U.S.C. §103(a). Accordingly, the rejection of claims 9 and 18 is improper and should be withdrawn.

B. Liebesny in view of Swartz.

Claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,131,020 to Liebesny *et al.* ("Liebesny") in view of Swartz. *See* Office Action, pg. 7, ¶6. Applicants traverse the rejection *for at least* the reason that the Examiner has failed to establish a *prima facie* case of obviousness. In particular, the rejection is improper because there is no legally proper teaching, suggestion, or motivation to modify Liebesny to include the teachings of Swartz; and assuming arguendo that there was a legally proper teaching, suggestion, or motivation to combine Liebesny and Swartz, the references, even if combined, fail to disclose, teach, or suggest all of the claim elements.

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1. There is no legally proper teaching, suggestion, or motivation to modify Liebesny to include the teachings of Swartz.

In the Office Action, at pg. 7, ¶6, the Examiner alleges that Liebesny teaches each of the features of claim 1, with the exception of the use of markup documents. The Examiner relies on Swartz, however, for this teaching, alleging:

It would have been obvious to one skilled at the time the invention was made to modify Liebesny et al to have the "markup documents" as taught by Swartz such that the modified system of Liebesny et al would be able to support the system users convenience of providing voice communications via markup documents.

The Examiner's recited motivation is legally improper for *at least* the reason that it states what the result of the combination of the references would be, but fails to demonstrate any teaching, suggestion, or motivation found in either Liebesny or Swartz themselves, or in the knowledge generally available to one of ordinary skill in the art, as to why it would have been obvious to modify Liebesny to include the teachings of Swartz. The Examiner *appears* merely to be stating that it would be obvious to modify Liebesny to include the use of markup documents so that the system of Liebesny would be able to support providing voice communications via markup documents. This is legally improper.

For *at least* this reason, the Examiner has failed to set forth a *prima facie* case of obviousness under 35 U.S.C. §103(a). Accordingly, the rejection of claim 1 is improper and should be withdrawn.

2. Liebesny and Swartz, even when combined, fail to disclose, teach, or suggest all of the elements of claim 1.

Assuming arguendo that Liebesny and Swartz could be combined, the combined references fail to disclose, teach, or suggest all of the elements of claim 1. Specifically, neither Liebesny nor Swartz, either alone or in combination, disclose the features of

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markup documents personalized for subscribers of at least one voice service, wherein the markup documents include voice service output information derived from a data repository, and dynamically interacting with one or more subscribers of the at least one voice service, during either outbound or inbound voice-enabled communications, to enable the one or more subscribers to receive and respond to the voice service output information presented from the one or more markup documents. Accordingly, the rejection of claim 1 is improper and should be withdrawn.

For *at least* each of the foregoing reasons, the Examiner has failed to establish a prima facie case of obviousness. Accordingly, independent claim 1 is patentable over Liebesny in view of Swartz.

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CONCLUSION

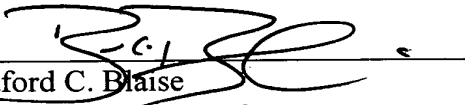
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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